

REMARKS/ARGUMENTS

In the Communication dated June 7, 2005, the Examiner noted that sequences in the figures must be identified by SEQ ID number, including the consensus sequence of Figure 18 and the complimentary sequence of Figure 22. Applicant agrees with the Examiner that MPEP 2422.02 requires that all sequences in a drawing be identified by a sequence identifier. In view of MPEP 2422.02 which permits that "...the sequence identifier ("SEQ ID NO:X") must be used, either in the drawing or in the *Brief Description of the Drawings*" (emphasis added), Applicant incorporated the sequence identifiers for the figures into the Brief Description of the Drawings.

For the Examiner's ease of review, on pages 17-22 of Applicant's specification in the section entitled "Brief Description of the Drawings", sequence identifiers were provided for the sequences of the drawings. Specifically, the sequence of Figure 2 is identified by SEQ ID NO: 1 (see, page 17). The sequence of Figure 3 is identified by SEQ ID NO: 3 (see, page 17). The sequence of Figure 15 is identified by SEQ ID NO: 2 (see, page 21). The sequence of Figure 16 is identified by SEQ ID NO: 4 (see, page 21). The consensus sequence of Figure 18 is now identified by SEQ ID NOs: 2 and 4 (see, page 21). The top strand of the sequence Figure 22 is now identified by SEQ ID NO: 6 and the bottom strand is now identified by SEQ ID NO: 5. The remaining figures, i.e., Figures 1, 2, 4-14, 17, 19-21, and 23 do not contain sequences.

Further, upon supplying the sequence identifiers for the sequences provided in the description for Figure 22, Applicant noted that the top strand of the sequence identified in Figure 22 was inadvertently omitted from the sequence listing. The paper and electronic copies of the sequence listing were therefore amended to include the sequence of the top strand as SEQ ID NO: 6. Since this sequence was present in the originally filed specification and specifically in Figure 22, the incorporation of the same into the substitute sequence listing does not add new matter. An electronic version of the substitute sequence listing was electronically forwarded to the USPTO on July 5, 2005 via the electronic filing system. A copy of the receipt verifying electronic filing of the electronic substitute sequence listing is enclosed herewith.

Applicant also noted that the reference to "nts 159120 to 154701 of GenBank Accession No. AC008763" in the description of Figure 22 was incorrect. Applicant therefore corrected this description as noted above. One of skill in the art would readily be able to review the sequence of GenBank Accession No. AC008763 and determine the correct fragment that corresponds to the sequence encompassed by Figure 22. Further, because the sequence of GenBank Accession No. AC008763 was published and Applicant properly incorporated by reference all publications present in the application (page 115, lines 29-30), the correction of the description of Figure 22 is not new matter.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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